IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORTION	§	
Plaintiff/Counter-Defendant	§	
	§	
vs.	§	No. 2:06cv72 (DF)
	§	Jury Trial Demanded
WELLS FARGO & COMPANY;	§	
WELLS FARGO BANK, NATIONAL	§	
ASSOCIATION	§	
Defendants/Counter-Plaintiff	§	

DATATREASURY'S ANSWER TO DEUTSCHE BANK TRUST COMPANY AMERICA'S AMENDED COUNTERCLAIMS

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to Deutsche Bank Trust Company America's ("Deutsche Bank") Amended Counterclaims to Plaintiff's First Amended Complaint for Patent Infringement and in support thereof, states as follows:

1. In paragraph 102 of Defendants' Amended Counterclaim, Deutsche Bank has incorporated Paragraphs 93 through 101 of Defendant's Amended Answer which are affirmative defenses by Defendant Deutsche Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 101 as denied.

2. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 103 of Deutsche Bank's Amended Counterclaim.

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3. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 104 of Deutsche Bank's Amended Counterclaim.

4. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 105 of Deutsche Bank's Amended Counterclaim.

FIRST COUNTERCLAIM

(Declaratory Judgment of NonInfringement)

5. In paragraph 106 of Defendants' Amended Counterclaim, Deutsche Bank has incorporated Paragraphs 93 through 101 of Defendant's Amended Answer which are affirmative defenses by Defendant Deutsche Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 101 as denied.

6. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 107 of the first counterclaim of Deutsche Bank's Amended Counterclaims.

7. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 108 of the first counterclaim of Deutsche Bank's Amended Counterclaims.

8. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 109 of the first counterclaim of Deutsche Bank's Amended Counterclaims.

SECOND COUNTERCLAIM

(Declaratory Judgment of Invalidity)

9. In paragraph 110 of Defendants' Amended Counterclaim, Deutsche Bank has incorporated Paragraphs 93 through 101 of Defendant's Amended Answer which are

affirmative defenses by Defendant Deutsche Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 101 as denied.

10. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 111 of the second counterclaim of Deutsche Bank's Amended Counterclaims.

THIRD COUNTERCLAIM

(Declaratory Judgment of Unenforceability)

11. In paragraph 112 of Defendants' Amended Counterclaim, Deutsche Bank has incorporated Paragraphs 93 through 101 of Defendant's Amended Answer which are affirmative defenses by Defendant Deutsche Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 101 as denied.

12. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 113 of the third counterclaim of Deutsche Bank's Amended Counterclaims.

FOURTH COUNTERCLAIM

(Laches and/or Statute of Limitations)

13. In paragraph 114 of Defendants' Amended Counterclaim, Deutsche Bank has incorporated Paragraphs 93 through 101 of Defendant's Amended Answer which are affirmative defenses by Defendant Deutsche Bank for which Defendant has the burden of

proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 101 as denied.

14. Plaintiff/Counter-Defendant denies the allegations contained in paragraph 115 of the fourth counterclaim of Deutsche Bank's Amended Counterclaims.

FIFTH COUNTERCLAIM

(Exceptional Case)

15. In paragraph 116 of Defendants' Amended Counterclaim, Deutsche Bank has incorporated Paragraphs 93 through 101 of Defendant's Amended Answer which are affirmative defenses by Defendant Deutsche Bank for which Defendant has the burden of proof, and no response is required by Plaintiff/Counter-Defendant. However, in the event any response would be required by Plaintiff/Counter-Defendant, DataTreasury Corporation responds to each of the affirmative defenses contained in paragraphs 93 through 101 as denied.

15. Plaintiff/Counter-Defendant denies that Defendant Deutsche Bank is entitled to recover reasonable attorneys fees as alleged in paragraph 117 of the fifth counterclaim of Deutsche Bank's Amended Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

_____________/S/______________________

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 17th day of April, 2007.

___________/S/______________________
Edward Lewis von Hohn